

meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.●

#### IN SUPPORT OF THE COMPREHENSIVE BORDER PROTECTION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to support the Comprehensive Border Protection Act, a bill that addresses the urgent need for increased Customs inspectors and technology along the U.S.-Canadian border.

Every day, the U.S. Customs Service must meet the dual challenges of enforcing our trade laws and easing the flow of goods across our borders. Customs carries out this mission at 83 ports-of-entry along the U.S.-Canada border, the world's longest undefended border—some 5,500 miles.

The resources, however, that we have provided to the Customs Service to process traffic and trade across this border are woefully deficient. In a hearing before the Senate Finance Committee in September 1998, we learned that the current number of authorized Customs inspectors working on the northern border remains essentially the same as it was in 1980, despite the fact that the number of commercial entries they must process has increased sixfold since then, from 1 million to 6 million per year. The increased workload reflects of course the tremendous growth in U.S.-Canada trade: two-way trade in 1988, the year before the U.S.-Canada Free Trade Agreement entered into force, was \$194 billion. In 1998, our two-way merchandise trade with Canada reached \$331 billion, nearly \$1 billion a day. Over one-quarter of our total imports from Canada enter the U.S. through three New York ports-of-entry—Buffalo, Champlain, and Alexandria Bay.

This bill aims to correct these problems by authorizing the additional people and technology necessary to handle the increase in trade and traffic between the United States and Canada. In particular, this bill authorizes 375 additional "primary lane" inspectors and 125 new cargo inspectors for the northern border, as well as 40 special agents and 10 intelligence agents. The bill also authorizes \$26.58 million for equipment and technology for the northern border.

The resources available to the Customs Service over the last decade have simply not kept pace with this enormous growth in workload. As trade continues to grow, the day will come when our ports simply will not be able to bear that load, unless we ensure that adequate staffing and equipment are in place.●

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The text of S. 544, the Emergency Supplemental Appropriations Act for Fiscal Year 1999, as passed by the Senate on March 23, 1999, follows:

S. 544

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

#### TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

##### CHAPTER 1

##### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

##### EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), \$25,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$25,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), \$200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), \$500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

##### FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), \$150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

##### FARM SERVICE AGENCY SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$42,753,000, to remain avail-

able until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$550,000,000, of which \$350,000,000 shall be for guaranteed loans; operating loans, \$370,000,000, of which \$185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, \$175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: farm ownership loans, \$35,505,000, of which \$5,565,000 shall be for guaranteed loans; operating loans, \$28,804,000, of which \$16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, \$41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, \$4,000,000: *Provided*, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program" for expenses resulting from natural disasters, \$30,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### COMMODITY CREDIT CORPORATION FUND

##### LIVESTOCK INDEMNITY PROGRAM

An amount of \$3,000,000 is provided to implement a livestock indemnity program as established in Public Law 105–18: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from natural disasters, \$100,000,000, to remain available until expended: *Provided*, That the entire amount

shall be available only to the extent that an official budget request for \$100,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, \$30,000,000, of which \$25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: \$10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and \$1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$1,534,000, as follows: section 502 loans, \$1,182,000; and section 504 housing repair loans, \$352,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$1,534,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, \$1,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. The Secretary of Agriculture may waive the limitation established under

the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

SEC. 1102. CROP LOSS ASSISTANCE. (a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105-277), is amended—

(1) in subsection (a), by inserting “(not later than June 15, 1999)” after “made available”; and

(2) in subsection (g)(1), by inserting “or private crop insurance (including a rain and hail policy)” before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 1103. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional \$28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1104. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, shall be provided by the Secretary of the Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 1105. (a) For an additional amount for the Livestock Assistance Program under Public Law 105-277, \$70,000,000: *Provided*, That

the entire amount shall be available only to the extent an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(b) An additional amount of \$250,000,000 is rescinded as provided in section 3002 of this Act.

SEC. 1106. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS. (a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as “CRCPLUS”) for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

#### CHAPTER 2

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### AGENCY FOR INTERNATIONAL DEVELOPMENT CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY DISASTER RECOVERY FUND

(INCLUDING TRANSFERS OF FUNDS)

Notwithstanding section 10 of Public Law 91-672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, \$611,000,000, to remain available until September 30, 2000: *Provided*, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): *Provided further*, That such assistance may be made available notwithstanding such provisions of law regulating the making, performance, amendment, or modification of contracts as the Administrator of the United States Agency for International Development (USAID) may specify: *Provided further*, That

at least five days prior to any use of the authority in the preceding proviso the Administrator of USAID shall report in writing to the Committees on Appropriations of his intent to exercise such authority: *Provided further*, That up to \$6,000,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development", to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to \$1,000,000 may be used to contract directly for the personal services of individuals in the United States: *Provided further*, That of the funds made available under this heading, not less than \$2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: *Provided further*, That, of the amount appropriated under this heading, up to \$10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras: *Provided further*, That up to \$1,500,000 of the funds appropriated by this heading may be transferred to "Operating Expenses of the Agency for International Development, Office of Inspector General", to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That \$500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1): *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$611,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts: *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean.

## INTERNATIONAL DISASTER ASSISTANCE

Notwithstanding section 10 of Public Law 91-672, for an additional amount for "International Disaster Assistance" for necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$35,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OTHER BILATERAL ECONOMIC ASSISTANCE

## ECONOMIC SUPPORT FUND

For necessary expenses to enable the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, in addition to amounts otherwise available for such purposes: to provide assistance to Jordan, \$50,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT  
FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, \$50,000,000, to become available upon enactment of this Act and to remain available until September 30, 2001, which shall be for grants only for Jordan: *Provided*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act: *Provided further*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## DEPARTMENT OF THE TREASURY

## DEBT RESTRUCTURING

Notwithstanding section 10 of Public Law 91-672, for an additional amount for "Debt Restructuring", \$41,000,000, to remain available until expended and subject to the terms and conditions under the same heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as included in Public Law 105-277, section 101(d): *Provided*, That up to \$25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## GENERAL PROVISION, THIS CHAPTER

SEC. 1201. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

## CHAPTER 3

## DEPARTMENT OF THE INTERIOR

## UNITED STATES FISH AND WILDLIFE SERVICE

## CONSTRUCTION

For an additional amount for "Construction", \$12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL  
COUNCIL

## HOLOCAUST MEMORIAL COUNCIL

For an additional amount for "Holocaust Memorial Council", \$2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## CHAPTER 4

## INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER ASSISTANCE FOR UNMET NEEDS

For "Disaster Assistance for Unmet Needs", \$313,600,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent those activities are not reimbursable by or for which funds are not made available by the Federal Emergency Management Agency (under its "Disaster Relief" program), the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for

any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each state to provide its match requirement: *Provided further*, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the requirements of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the states with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to the Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISION, THIS TITLE

SEC. 1401. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the “Emergency Steel Loan Guarantee Act of 1999”.

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term “Board” means the Loan Guarantee Board established under subsection (e);

(2) the term “Program” means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term “qualified steel company” means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed \$1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed \$250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than \$25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the

loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated \$140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to the Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to the Congress.

SEC. 1402. PETROLEUM DEVELOPMENT MANAGEMENT. (a) SHORT TITLE.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their byproducts as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section shall not exceed \$500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed \$10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than \$250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to the Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to the Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1403. DEDUCTION FOR OIL AND GAS PRODUCTION. (a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

(1) increase oil or gas production from existing wells on public land;

(2) drill new oil or gas wells on existing leases on public land; or

(3) explore for oil or gas on public land.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "lessee" means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

(2) the term "public land" has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

(3) the term "qualifying well" means any well for the production of natural gas, crude oil, or both that is on public land and—

(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

(1) September 30, 2000;

(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude

oil on the New York Mercantile Exchange closes above \$18 per barrel; or

(3) lessees have deducted a total of \$123,000,000 under this section—whichever occurs first.

(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, \$2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) shall be available only to the extent an official budget request for \$125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; and

(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(f) ADDITIONAL AMOUNT.—An additional amount of \$125,000,000 is rescinded as provided in section 3002 of this Act.

## TITLE II—SUPPLEMENTAL APPROPRIATIONS

### CHAPTER 1

#### DEPARTMENT OF JUSTICE

##### IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES

##### ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for “Salaries and Expenses, Enforcement and Border Affairs” to support increased detention requirements for criminal and illegal aliens, \$80,000,000, which shall remain available until September 30, 2000.

#### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for the acquisition of shoreline data for nautical charts, \$3,880,000, to remain available until expended: *Provided*, That from unobligated balances in this account available under the heading “CLIMATE AND GLOBAL CHANGE RESEARCH”, \$2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105-277.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses,” \$921,000, to remain available until expended.

## CHAPTER 2

### DEPARTMENT OF DEFENSE—MILITARY

#### MILITARY PERSONNEL

##### RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$2,900,000.

##### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$7,300,000.

##### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$1,000,000.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$50,000,000.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$16,000,000.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,000,000.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$21,000,000, of which \$20,000,000 is available only for the CINC initiative fund.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$20,000,000.

##### OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$37,500,000.

##### NEW HORIZONS EXERCISE TRANSFER FUND

#### (INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility; \$46,000,000, to remain available for transfer until September 30, 1999: *Provided*, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105-262.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 2201. Of the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999 (Public Law 105-262) for “Operation and maintenance, defense-wide”, up to \$8,000,000 may be made available for the award of a grant to a consortium of nonprofit, higher education institutions for the purpose of creating a computer network among such institutions to enhance teaching and learning opportunities in science, technology and communications.

SEC. 2202. (a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended by striking “five persons” and inserting “10 persons”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended by

striking “five persons” and inserting “10 persons”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended by striking “five persons” and inserting “10 persons”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 2203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available \$40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed \$2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

SEC. 2204. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

SEC. 2205. OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT. (a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.



(b) **MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.**—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) **COMMERCIAL TERMS.**—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) **TERMINATION PAYMENTS.**—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) **OBLIGATION AND EXPENDITURE OF FUNDS.**—Notwithstanding any other provision of law—

(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d); and

(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(f) **OTHER AUTHORITY PRESERVED.**—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

#### CHAPTER 3

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF INDIAN AFFAIRS

#### OPERATION OF INDIAN PROGRAMS

##### (TRANSFER OF FUNDS)

For an additional amount for "Operation of Indian Programs", \$1,136,000, to remain available until expended for suppression of western spruce budworm: *Provided*, That such funds shall be derived by transfer of funds provided in previous appropriations acts under the heading "Forest Service, Wildland Fire Management".

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior Appropriations Acts for the Automated Land and Mineral Record System, \$1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is an agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to approve Applications for Permits to Drill for well sites that are located within an area covered by: (1) an existing coal lease, or (2) an existing coal mining permit, or (3) an existing Lease by Application for a coal mining lease, or (4) a future Lease by Application for

an area adjacent to and within one mile of an area covered by (1), (2), or (3) above. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

#### OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

#### FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs", \$6,800,000, to remain available until expended for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

#### BUREAU OF RECLAMATION

#### WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" for emergency repairs to the Headgate Rock Hydroelectric Project, \$5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

#### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

#### WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of Appropriation (exclusive of amounts for hazardous fuels reduction), \$100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.) within 10 days of passage of this Act.

#### CHAPTER 4

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### OFFICE OF THE SECRETARY

#### GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "general departmental management", \$1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

#### RELATED AGENCY

#### CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, \$18,000,000: *Provided*, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

#### CHAPTER 5

### DEPARTMENT OF DEFENSE

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Georges, \$14,500,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

#### CHAPTER 6

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### COMMUNITY DEVELOPMENT BLOCK GRANTS

##### (INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105-276, \$3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105-276 for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban

Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

#### MANAGEMENT AND ADMINISTRATION

#### OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105-276, add the words, "to remain available until September 30, 2000," after "\$81,910,000,".

#### CHAPTER 7

### DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

#### CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", \$500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, Nevada caused by high lake levels pursuant to section 219 of the Water Resources Development Act of 1992.

#### CHAPTER 8

### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

#### FEDERAL DRUG CONTROL PROGRAMS

#### HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional \$750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional \$500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

#### CHAPTER 9

### DEPARTMENT OF STATE RELATED AGENCY

#### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by \$3,000,000.

#### GENERAL PROVISIONS, THIS TITLE

SEC. 2301. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended under the heading "Forest Service, Reconstruction and Construction" by inserting before the final period the following: "": *Provided further*, That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this

purpose, but no more than \$4,000,000 shall be available for such payment prior to October 1, 1999: *Provided further*, That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent."

SEC. 2302. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 C.F.R. Part 3809, published on February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is submitted to the appropriate federal agencies, the Congress, and the Governors of the affected states in accordance with the requirements of that Act.

SEC. 2303. CIVIL LIBERTIES PUBLIC EDUCATION FUND. Notwithstanding any other provision of law and in addition to any funds appropriated for this purpose, the Attorney General may transfer from any funds available to the Department of Justice not more than \$4,300,000 to the Fund established under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) for the purpose of paying restitution to individuals (1) who are eligible for restitution under such Act and have filed timely claims for the restitution, or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. vs. United States (Case No. 97-294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

SEC. 2304. Division A, section 101(a), title XI, section 1122(c) is amended by inserting after "basis" "": *Provided*, That no administrative costs shall be charged against this program which would have been incurred otherwise."

SEC. 2305. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

SEC. 2306. Of the \$2,200,000 appropriated in Public Law 105-276 in accordance with H.R. Conference Report No. 105-769 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games shall be awarded to Wasatch County, UT, for both water and sewer.

SEC. 2307. For the remainder of fiscal year 1999, no funds may be used by the Department of the Interior to implement Secretarial Order 3208, issued January 5, 1999, regarding the "Reorganization of the Office of the Special Trustee for American Indians". Fiscal year 1999 funds appropriated for purposes of reforming trust funds management practices shall continue to be administered as if the Order had not been issued.

SEC. 2308. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, as amended by section 110(b)(1) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by striking "\$1,205,000,000" and all that follows through "October 1, 1998" and inserting "\$1,607,000,000 for the 8-month period beginning October 1, 1998."

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of title 49, United States Code, as amended by section 110(b)(2) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by striking "March 31, 1999" and inserting "May 31, 1999".

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as enacted in section 101(g) of Public Law 105-277, is amended as follows: Under the heading "Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)", delete the last proviso, and insert the following in lieu thereof: "": *Provided further*, That not more than \$1,300,000,000 of funds limited under this heading may be obligated before the enactment of a bill extending contract authorization for the Grants-in-Aid for airports program beyond May 31, 1999."

SEC. 2309. (a) Section (a) of section 149, division C of Public Law 105-277 is amended by striking "April 1, 1999" and inserting in lieu thereof "September 30, 1999".

(b) Section (b) of section 149, division C of Public Law 105-277 is amended by striking "April 1, 1999" each time it appears and inserting in lieu thereof "September 30, 1999".

SEC. 2310. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3)) is amended—

(1) by striking the comma and the remainder of paragraph (3) following the comma; and

(2) by inserting a period after "(1)".

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking "100 percent" and inserting "110 percent".

SEC. 2311. PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR PURPOSES OF MEDICAID. (a) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d) of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

"(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State."

(b) PROHIBITION ON PAYMENT FOR ADMINISTRATIVE EXPENSES INCURRED IN PURSUING TOBACCO LITIGATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting "": or"; and

(2) by inserting after paragraph (18) the following new paragraph:

"(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B)."

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of enactment of this Act.

SEC. 2312. EXTENSION OF AVIATION INSURANCE PROGRAM. Section 44310 of title 49, United States Code, is amended by striking "March 31, 1999." and inserting "May 31, 1999."

SEC. 2313. TITLE 49 RECODIFICATION CORRECTION. Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103-429, 108 Stat. 4329), is repealed.

SEC. 2314. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Council.

SEC. 2315. Funds provided in the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105-277, division A, section 101(b)) for the construction of correctional facility in Barrow, Alaska shall be made available to the North Slope Borough.

SEC. 2316. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS. The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind."

SEC. 2317. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277, division A, section 1(e), title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs".

SEC. 2318. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—



(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) **FUNDING SOURCE.**—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

**SEC. 2319. GLACIER BAY.** (a) **DUNGENESS CRAB FISHERMEN.**—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking “February 1, 1999” and inserting “June 1, 1999”; and

(B) by striking “1996” and inserting “1998”; and

(2) by striking “the period January 1, 1999, through December 31, 2004, based on the individual’s net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996” and inserting “for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual’s net earnings from the Dungeness crab fishery during such established period”.

(b) **OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.**—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

“(c) **OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.**—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.”.

(c) **IMPLEMENTATION.**—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

“(e) **IMPLEMENTATION AND EFFECTIVE DATE.**—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”.

(d) Of the funds provided under the heading “National Park Service, Construction” in Public Law 105-277, \$3,000,000 shall not be available for obligation until October 1, 1999.

**SEC. 2320. WHITE RIVER SCHOOL DISTRICT #47-1.** From any unobligated funds that are

available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than \$239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

**SEC. 2321.** (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

**SEC. 2322. SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.**

(a) The Senate finds:

(1) That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran.

(2) That this sale of agricultural commodities would increase United States agricultural exports by about \$500,000,000, at a time when agricultural exports have fallen dramatically.

(3) That sanctions on food are counterproductive to the interest of United States farmers and to the people who would be fed by these agricultural exports.

(b) Now therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

**SEC. 2323. PROHIBITION.** (a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-

State compact entered into between a State and a tribe.

(b) **DEFINITIONS.**—

(1) The terms “class III gaming”, “Secretary”, “Indian lands”, and “Tribal-State compact” shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) The “report of the National Gambling Impact Study Commission” is the report described in section 4(b) of Public Law 104-169 (18 U.S.C. sec. 1955 note).

**SEC. 2324. FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.** (a) **FINDINGS.**—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed to be “seamless” so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their

random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

SEC. 2325. A payment of \$800,000 from the total amount of \$1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105-83, and payments of \$2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and \$200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

SEC. 2326. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

“(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both).”;

(2) in subsection (b), by striking “subsection (a)(1)” and inserting “subsection (a)”.

SEC. 2327. The Corps of Engineers is directed to reprogram \$800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota, and to provide

the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 2328. GLACIER BAY. No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit.

### TITLE III—RESCISSIONS AND OFFSETS

#### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FOOD AND NUTRITION SERVICE

##### FOOD STAMP PROGRAM

##### (RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105-277, \$521,000,000 are rescinded.

##### FARM SERVICE AGENCY

##### EMERGENCY CONSERVATION FUND

Of the amount made available under the heading “EMERGENCY CONSERVATION PROGRAM” in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174; 112 Stat. 68), \$700,000 are rescinded.

#### CHAPTER 2

#### DEPARTMENT OF JUSTICE

##### OFFICE OF INSPECTOR GENERAL

##### (RESCISSION)

Of the unobligated balances available under this heading, \$5,000,000 are rescinded.

##### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

##### ENFORCEMENT AND BORDER AFFAIRS

##### (RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, \$40,000,000 are rescinded.

##### CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

##### (RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, \$25,000,000 are rescinded.

#### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH AND FACILITIES

##### (RESCISSION)

Of the unobligated balances available under this heading, \$1,000,000 are rescinded.

##### PROCUREMENT, ACQUISITION, AND CONSTRUCTION

Of the unobligated balances available under this heading, \$2,000,000 are rescinded.

#### DEPARTMENT OF STATE AND RELATED AGENCIES

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS (RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, \$22,000,000 are rescinded.

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

##### (RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, \$21,000,000 are rescinded.

##### INTERNATIONAL BROADCASTING OPERATIONS (RESCISSION)

Of the unobligated balances available under this heading, \$1,000,000 are rescinded.

#### CHAPTER 3

#### DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE OPERATION AND MAINTENANCE, DEFENSE-WIDE (RESCISSION)

Of the funds provided in Public Law 105-262, the following funds are hereby rescinded as of the date of enactment of this Act from the following account: Under the heading, “Operation and Maintenance, Defense-Wide”, \$217,700,000.

#### CHAPTER 4

#### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### OTHER BILATERAL ASSISTANCE

##### ECONOMIC SUPPORT FUND

##### (RESCISSION)

Of the funds made available for Haiti under this heading in Public Law 105-118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$10,000,000 are rescinded.

##### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

##### (RESCISSION)

Of the funds made available for Bosnia and Herzegovina under this heading in Public Law 105-118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$10,000,000 are rescinded.

##### ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

##### (RESCISSION)

Of the funds made available for Russia under this heading in Public Law 103-306, Public Law 105-118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$10,000,000 are rescinded.

#### MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT GLOBAL ENVIRONMENT FACILITY

##### (RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$60,000,000 are rescinded.

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS (RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and

Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$10,000,000 are rescinded.

#### CHAPTER 5

##### DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES (RESCISSION)

Of the amounts appropriated under this heading in previous appropriations acts, \$6,800,000 are rescinded.

#### CHAPTER 6

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105-277, delete "\$3,132,076,000" and insert "\$3,114,676,000"; and delete "\$180,933,000" and insert "\$163,533,000".

##### DEPARTMENT OF EDUCATION

##### EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT (RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105-277, \$3,000,000 are rescinded.

#### CHAPTER 7

##### DEPARTMENT OF DEFENSE

##### BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV (RESCISSION)

Of the funds made available under this heading in Public Law 105-237, \$14,500,000 are rescinded.

#### CHAPTER 8

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND (DEFERRAL)

Of the funds made available under this heading in Public Law 105-276 for use in connection with expiring or terminating section 8 contracts, \$350,000,000 shall not become available until October 1, 1999.

##### COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANTS (RESCISSION)

Of the unobligated balances available under this heading in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174), \$63,600,000 are rescinded.

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105-277), \$250,000,000 are rescinded.

##### INDEPENDENT AGENCY

##### ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY (RESCISSION)

Of the funds made available in Public Law 105-277, \$10,000,000 for research associated with the Climate Change Technology Initiative are rescinded.

#### CHAPTER 9

##### DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL CONSTRUCTION, GENERAL (RESCISSION)

Of the amounts made available under this heading in Public Law 105-245 for the Lacka-

wanna River, Scranton, Pennsylvania, \$5,500,000 are rescinded.

#### CHAPTER 10

##### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### FEDERAL DRUG CONTROL PROGRAMS SPECIAL FORFEITURE FUND (RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105-277) \$1,250,000 are rescinded.

##### GENERAL PROVISIONS, THIS TITLE

SEC. 3001. (a) Division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is repealed.

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105-277) is amended—

(1) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary of State"; and

(B) by striking "the Agricultural Research Service of the Department of Agriculture" and inserting "the Department of State";

(2) in paragraph (5), by inserting "(without regard to any requirement in law relating to public notice or competition)" after "to contract"; and

(3) by adding at the end the following:

"Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code."

SEC. 3002. Of the funds appropriated with an emergency designation in division B of Public Law 105-277, other than those appropriated to the Department of Defense—Military, \$343,000,000 are rescinded: *Provided*, That these reductions shall be applied proportionally to each appropriation account and budget activity being reduced by this section: *Provided further*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3003. Of the funds appropriated or otherwise made available for fiscal year 1999 for the non-defense discretionary category, \$100,000,000 are rescinded as a result of revised economic assumptions from inflation adjusted accounts: *Provided*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3004. GAO AND INSPECTOR GENERAL AUDIT. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall conduct an audit of the Department of Housing and Urban Development to assess the extent the Department has been in compliance with the Department of Housing and Urban Development Reform Act of 1989 over the last two years. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall issue a preliminary report to the Congress on this assessment within 6 months and a final report within 12 months.

##### TITLE IV—TECHNICAL CORRECTIONS

SEC. 4001. The Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended:

(1) in title III, under the heading "Rural Community Advancement Program (Including Transfer of Funds)", by inserting "1926d," after "1926c,"; by inserting "306(a)(2), and 306D" after "381E(d)(2)" the first time it appears in the paragraph; and by striking "as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C",

(2) in title VII, in section 718 by striking "this Act" and inserting in lieu thereof "annual appropriations Acts",

(3) in title VII, in section 747 by striking "302" and inserting in lieu thereof "203", and

(4) in title VII, in section 763(b)(3) by striking "section 402(d) of Public Law 94-265" and inserting in lieu thereof "section 116(a) of Public Law 104-297".

SEC. 4002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended:

(1) in title II under the heading "Burma" by striking "headings "Economic Support Fund" and" and inserting in lieu thereof "headings "Child Survival and Disease Programs Fund", "Economic Support Fund", and",

(2) in title V in section 587 by striking "199-339" and inserting in lieu thereof "99-399",

(3) in title V in subsection 594(a) by striking "subparagraph (C)" and inserting in lieu thereof "subsection (c)",

(4) in title V in subsection 594(b) by striking "subparagraph (a)" and inserting in lieu thereof "subsection (a)", and

(5) in title V in subsection 594(c) by striking "521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs" and inserting in lieu thereof "520 of this Act".

SEC. 4003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking "June 30" and inserting in lieu thereof "September 30".

SEC. 4004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended:

(1) in the last proviso under the heading "United States Fish and Wildlife Service, Administrative Provisions" by striking "section 104(c)(5)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361-1407)" and inserting in lieu thereof "section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407)".

(2) under the heading "Bureau of Indian Affairs, Operation of Indian Programs", by striking "\$94,010,000" and inserting in lieu thereof "\$94,046,000", by striking "\$114,871,000" and inserting in lieu thereof "\$114,891,000", by striking "\$387,365,000" and inserting in lieu thereof "\$389,307,000", and by striking "\$52,889,000" and inserting in lieu thereof "\$53,039,000".

(3) in section 354(a) by striking "16 U.S.C. 544(a)(2))" and inserting in lieu thereof "16 U.S.C. 544b(a)(2))".

(4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105-277 on the date of its enactment.

SEC. 4005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended:

(1) in title I, under the heading "Federal Unemployment Benefits and Allowances", by striking "during the current fiscal year" and inserting in lieu thereof "from October 1, 1998, through September 30, 1999";

(2) in title II under the heading "Office of the Secretary, General Departmental Management" by striking "\$180,051,000" and inserting in lieu thereof "\$188,051,000";

(3) in title II under the heading "Children and Families Services Programs, (Including Rescissions)" by striking "notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, \$337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): *Provided further, That*";

(4) in title II under the heading "Office of the Secretary, General Departmental Management" by inserting after the first proviso the following: "*Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$10,831,000 shall be for activities specified under section 2003(b)(2), of which \$9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.*";

(5) in title III under the heading "Special Education" by inserting before the period at the end of the paragraph the following: "*Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities.*";

(6) in title II under the heading "Public Health and Social Services Emergency Fund" by striking "\$322,000" and inserting in lieu thereof "\$180,000";

(7) in title III under the heading "Education Reform" by striking "\$491,000,000" and inserting in lieu thereof "\$459,500,000";

(8) in title III under the heading "Vocational and Adult Education" by striking "\$6,000,000" the first time that it appears and inserting in lieu thereof "\$14,000,000", and by inserting before the period at the end of the paragraph the following: "*Provided further, That of the amounts made available for the Perkins Act, \$4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117.*";

(9) in title III under the heading "Higher Education" by inserting after the first proviso the following: "*Provided further, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999-2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1.*";

(10) in title III under the heading "Education Research, Statistics, and Improvement" by inserting after the third proviso the following: "*Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$1,000,000 shall be used to conduct a violence preven-*

*tion demonstration program: Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$50,000 shall be awarded to the Center for Educational Technologies to conduct a feasibility study and initial planning and design of an effective CD ROM product that would complement the book, We the People: The Citizen and the Constitution.*";

(11) in title III under the heading "Reading Excellence" by inserting before the period at the end of the paragraph the following: "*Provided, That up to one percent of the amount appropriated shall be available October 1, 1998 for peer review of applications.*";

(12) in title V in section 510(3) by inserting after "Act" the following: "or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts"; and

(13)(A) in title VIII in section 405 by striking subsection (e) and inserting in lieu thereof the following:

"(e) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

"(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

"(2) by striking the item relating to the title heading for title VII and inserting in lieu thereof the following:

"TITLE VII—EDUCATION AND TRAINING".

(B) The amendments made by paragraph (13)(A) of this section shall take effect as if included in Public Law 105-277 on the date of its enactment.

SEC. 4006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999, Public Law 105-275) is amended by striking "(a)(1)(G)" and inserting in lieu thereof "(a)(1)(C)".

SEC. 4007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is amended under the heading "Capitol Police Board, Security Enhancements" by inserting before the period at the end of the paragraph "*Provided further, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading "Capitol Police Board, Capitol Police, Salaries" under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.*

SEC. 4008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is amended under the heading "Family Housing, Navy and Marine Corps" by striking the word "Hurricane" and inserting in lieu thereof "Hurricanes Georges and".

SEC. 4009. The Department of Transportation and Related Agencies Appropriations

Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended in title I under the heading "Capital Investment Grants (Including Transfer of Funds)" within the project description of project number 127, by inserting the words "and bus facilities" after the word "replacements", and within the project description of project number 261 by striking the words "Multimodal Center" and inserting "buses and bus related facilities".

SEC. 4010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended in title I under the heading "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)" by striking "not more than \$38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program", and inserting in lieu thereof, "not more than \$59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program".

SEC. 4011. (a) AMERICAN FISHERIES ACT.—The American Fisheries Act (title II of division C of Public Law 105-277) is amended—

(1) in section 202(b) by inserting a comma after "United States Code";

(2) in section 207(d)(1)(A) by striking "Fishery Conservation and Management";

(3) in section 208(b)(1) by striking "615085" and inserting "633219";

(4) in section 213(c)(1) by striking "title" and inserting "subtitle"; and

(5) in section 213(c)(2) by striking "title" and inserting "subtitle".

(b) TITLE 46.—Section 12122(c) of title 46, United States Code, is amended by inserting a comma after "statement or representations".

SEC. 4012. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277) is amended by striking "section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2))" and inserting "section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b))".

SEC. 4013. DENALI COMMISSION. The Denali Commission Act of 1998 (title III of division C of Public Law 105-277) is amended—

(1) in section 303(b)(1)(D) by striking in two instances "Alaska Federation or Natives" and inserting "Alaska Federation of Natives";

(2) in section 303(c) by striking "Members" and inserting "The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members";

(3) in section 306(a) by inserting after the first sentence the following: "The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(4) in section 306(c)(2) by striking "Chairman" and inserting "Federal Cochairperson";

(5) by inserting at the end of section 306 the following new subsections:

"(g) ADMINISTRATIVE EXPENSES AND RECORDS.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999

(section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General of his or her designee.

“(h) INSPECTOR GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting ‘the Denali Commission,’ after ‘the Corporation for Public Broadcasting,’; and

(6) in section 307(b) by inserting immediately before “The Commission” the following: “Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended.”.

SEC. 4014. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking “provision to which subsection (a)(2) applies” and inserting “provision to which subsection (a)(1) applies”.

SEC. 4015. Of the amount appropriated under the heading “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276), \$1,300,000 shall be transferred to the “STATE AND TRIBAL ASSISTANCE GRANTS” account for a grant for water and wastewater infrastructure projects in the State of Idaho.

SEC. 4016. (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of \$2,250,000,000 is rescinded as provided in section 3002 of this Act.

SEC. 4017. Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

#### AUTHORIZED STOCKPILE DISPOSAL

Material for disposal	Quantity
Zirconium ore .....	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 5002. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103-121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to 7/8 of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 320)); and

(II) an amount equal to 1/8 of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph

(A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

This Act may be cited as the “Emergency Supplemental Appropriations Act for Fiscal Year 1999”.

#### AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE OR EXECUTIVE ITEMS ON TUESDAY, APRIL 6, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that on Tuesday, April 6, committees have from the hours of 11 a.m. to 2 p.m. in order to file legislative or executive reported items.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS ON MARCH 26, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that committees have from 10 a.m. until 11 a.m. on Friday, March 26, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed immediately to executive session to consider all nominations reported by the Armed Services Committee today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

#### DEPARTMENT OF ENERGY

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).